IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.372 of 2007

Pravin Narayanji Thakkar Applicant

Vs.

Shri Vijaykumar Madhavji & Co.
and ors. Respondents

Ms.Pragna Gala for applicant.
Mr.S.R.Shinde, APP for State.

CORAM: B.H.MARLAPALLE, J.

October 17, 2007.

P.C.

. Heard Ms.Pragna Gala, the learned counsel for the applicant who had filed complaint S.C.C.No. 2836 of 1997 before the learned Judicial Magistrate, First Class at Pimpri under Section 138 of the Negotiable Instruments Act, 1881. After considering the evidence as adduced by the parties, the trial Court answered all the issues in favour of the complainant but noted that the dishonoured cheque was drawn in favour of a firm called Ganesh Trading Company and the complaint was filed by the present applicant in his individual capacity. As per the trial Court the applicant had no locus standi to file the complaint and if he was a partner of the said firm, he could

have stated that he was filing the complaint on behalf of the partnership firm and and through him as the partner. In fact it was the accused on.1 who had contended that the complainant is not one of the partners and the trial Court has noted that in his cross-examination, the complainant admitted this fact. On the ground, if the complaint has been dismissed, I do not find any errors committed by the trial Court and, therefore, the reasonings set out in the order of acquittal do not call for reconsideration at the hands of this Court.

. Hence leave to appeal is refused and the application is rejected.

(B.H.MARL